

**Centerville Township Zoning Board of Appeals  
Special Meeting  
December 20, 2022  
Centerville Township Hall**

**Call to Order:** Dave Borton, Chair, called the meeting to order at 6:00 pm with the Pledge of Allegiance.

**Attendance:** Jeff Smith, Deb Kuhn, and Dave Borton were present. Deb Kuhn was present as an alternate for Jamie Damm, who voted on the matter as a member of the Planning Commission. Chris Bzdok and Lauren Teichner, Township Attorneys, and Dana Boomer, Recording Secretary, were also present.

Borton opened the meeting with a brief summary of how the meeting would proceed, and summarized the format for the discussion on the draft findings and decision document previously provided by legal counsel.

**Public Comment:** Susan Wheadon – Centerville Township – She thanked the ZBA for their hard work. “Never doubt that a small group of committed citizens can change the world; indeed, it is the only thing that has ever worked.” – Margaret Mead.  
Jason Vander Kodde – Fishbeck – He is here with legal counsel for Northgate to answer any questions that the ZBA may have.

**Agenda:** Borton read the agenda for the members of the public, and gave a brief summary of how the meeting would proceed. **Smith moved to approve the agenda as presented, Kuhn seconded. All in favor, motion carried.**

**Approval of Minutes:** The ZBA discussed the draft minutes from the December 7, 2022 meeting and public hearing. **Kuhn moved, Smith seconded to approve the minutes of December 7, 2022 as presented. All in favor, motion carried.**

Bzdok stated that there will be a need to set a special meeting to approve the minutes from tonight’s meeting, and this is a legally significant step. Borton will be leaving town shortly, and so Bzdok suggested that Kuhn and Smith as a quorum meet sometime in January to approve the minutes. This meeting can be scheduled later. The ZBA agreed with this process.

**Declaration of Conflict of Interest** – No members declared a conflict of interest.

**Leelanau Pines Appeal of Planning Commission Site Plan Review Decision**

- a. Overview of Draft Findings and Decision from Legal  
Chris Bzdok had previously distributed a draft findings and decision document to both the ZBA members and to Northgate Leelanau Pines’ legal counsel. That document was also made available to the public on the Township website, and hard copies were made available at the meeting for the public. The document includes a draft motion, notes from legal counsel reiterated from the staff report, general findings of fact, and specific findings of fact based on the ZBA discussion of the 17 standards for approval at the December 7 meeting. Dual sets of proposed language were presented for several of the points of discussion, based on differences of opinion at the December 7 meeting – those points need further discussion by the ZBA with finalization of language tonight.

b. Continued Board Discussion

The board first briefly discussed the 27 general findings of fact, and affirmed those findings with no edits. The board then began an extensive discussion of each of the specific findings (see attached for the final document). Borton read each standard, and on the standards where there was consensus at the December 7 meeting, asked for affirmation that the decision remained the same. Standards 1 through 5 were affirmed in this fashion.

Standard 6 had not reached full consensus amongst the ZBA regarding the decision at the December 7 meeting. Because of this, legal counsel had prepared two potential sets of language – one for affirming the PC decision and one for reversing the PC decision. The ZBA discussed the options. Kuhn stated that she has reviewed the video of the pertinent meetings, and now feels more strongly that the ZBA should affirm the decision made by the PC, due to the late submissions and amendments to the submissions prior to the PC's October 3 meeting. These did not provide the PC appropriate time to process the information before it had to make a decision. Smith would agree with Kuhn's statement, particularly since the PC only had a few days to review the updated information before deciding. Kuhn does trust that the fire chief and his staff would have made acceptable recommendations, so a conditional approval could have been made, but she also fully understands the hesitation of the PC based on a lack of timely information. Borton feels that fire and emergency services are a very important part of this, and he understands the decision of the PC to not grant a conditional approval of this standard. The ZBA had consensus to affirm the PC's decision on Standard 6.

Standard 7 also had not reached full consensus at the December 7 meeting. Smith was previously concerned about the possibility for "overplanning" this standard, which would lead to a loss of the intimate, slow-traffic nature of the campground. He continues to hold this concern. However, Smith also asserted that the ZBA is being asked to determine whether the PC was justified in their decision, not whether the individual members agree with the decision. Despite his personal opinion, this concept is nebulous enough that he believes the PC was justified in their decision. Kuhn also has mixed feelings regarding allowing the campground to keep its rustic feel, but also would affirm the PC decision because she believes that they were justified in their decision, particularly with regard to the PC's finding that the expansion would not help with pedestrian circulations. Borton would agree that the PC did what they could based on the information they had. The ZBA had consensus to affirm the PC decision on Standard 7.

Standard 8 had also not reached full consensus at the December 7 meeting, and the ZBA had asked for additional clarification. The attorney provided specific information regarding conversation at the October 3, 2022 meeting in the findings document in Standard 8, Point 3.e. Borton thinks that the PC decision should be affirmed, based on the information the PC had. Kuhn stated that given that Northgate verbally agreed to comply with the ordinance, she doesn't see why this couldn't have been given a conditional approval. Smith agreed. Borton stated that he would give consensus that this standard could have been given a conditional approval. The ZBA had consensus to reverse the PC decision on Standard 8 and recommend that this standard could be met through conditional approval.

Standards 9 and 10 had consensus amongst the ZBA based on discussion at the December 7 meeting. The ZBA affirmed its decision to reverse the PC decision on

Standard 9 because this standard should have had a conditional approval. And the ZBA affirmed its decision to affirm the PC decision on Standard 10.

Standard 11 had not reached full consensus at the December 7 meeting, and the ZBA had asked for additional clarification. The attorney provided specific information regarding conversation at the October 3, 2022 meeting in the findings document in Standard 11, Point 4.d. Borton does believe based on the discussion that there is possibly the required 1.5 spaces per camping space. Smith stated that he believes the confusion comes from earlier plans submitted by Northgate, which stated there is only one parking site per camping space. The written plans are the official application, versus something stated at a meeting. Kuhn and Borton agreed that the decision should be made based on the written application. The ZBA had consensus to affirm the PC decision on Standard 11.

Standard 12 had consensus amongst the ZBA based on discussion at the December 7 meeting. The ZBA affirmed its decision to affirm the PC decision on Standard 12.

Standard 13 had not reached full consensus at the December 7 meeting. Kuhn originally felt that this standard could have been met through conditional approval. However, in re-watching the video, she felt the most powerful comments were those from the PC regarding the very short time frame for reviewing revisions to the plans, and not having appropriate time to review and make this important decision. She explained these are her same thoughts as for Standard 6. Smith and Borton agreed. Kuhn stated that again, she respects the abilities and decisions of the fire chief, but does not think the PC had enough time to properly review the submitted information. The ZBA had consensus to affirm the PC decision on Standard 13.

Standards 14 through 17 had consensus amongst the ZBA to affirm the PC's decisions based on the discussions at the December 7 meeting. The ZBA affirmed that its decision to affirm Standards 14 through 17 remained the same.

Minor typographic errors in the draft findings and decision were fixed.

c. Possible Motion

The board discussed a potential motion as drafted by legal counsel.

**The Zoning Board of Appeals ("ZBA"), having considered the entire Planning Commission ("PC") record regarding Applicant Northgate Leelanau Pines' ("Leelanau Pines") site plan application ("SPA"), including:**

- all information, written documentation, exhibits, and presentations submitted by Leelanau Pines to the PC;
- all information, written briefs, exhibits, and presentations submitted by Leelanau Pines to the ZBA;
- the ZBA Staff Report drafted by Township legal counsel;
- all comments and letters and emails submitted by the public to both the PC and the ZBA;
- the full Planning Commission record regarding Leelanau Pines' application, including the substance of all of PC meetings regarding

Leelanau Pines' application, and the Planning Commission's approved written motion dated October 3, 2022;

- all recommendations and correspondence from agencies having jurisdiction in the area of the proposed development;
- the standards and requirements of the Centerville Township Zoning Ordinance ("ZO");
- the standards and requirements of the Centerville Township Master Plan; and
- the Leelanau County General Plan

makes general and specific findings of fact, as follows.

**Smith moved to adopt the findings of fact and decision to affirm the Planning Commission's denial of Leelanau Pines' site plan application for the expansion of the Leelanau Pines Campground. Kuhn seconded.** The PC discussed the motion.

Kuhn wants to make sure that it is very clear that this decision also reflects the 100% community opposition to the plans submitted by Northgate, and to the multiple areas where the submission goes against the community's Master Plan. Smith re-iterated that the Master Plan was developed based on community input, and the community told the township officials in no uncertain terms to be very cautious about allowing development. Smith feels that the PC carried out the will of their neighbors who told them to be cautious. When the PC determined that a conditional approval was not acceptable they were simply carrying out the overall will and want of the community to protect the environment and the rural character of the community. Local lives and culture are tied to the natural environment here. He believes this point really comes through in Standard 17. The PC heard that they were supposed to be cautious, and that is what they did. Kuhn stated that even the business owners in the community were not in favor of this plan. The community is happy to have the campground in the community, but does not want to see it double in size.

Borton stated that he has always been interested in the Zoning Ordinance and Master Plan process. The survey that brought forth the Master Plan that brought forth the Zoning Ordinance is extremely important. If you drive around Centerville Township, it's not like other lake-side communities; it is very bucolic and rural, not built-up. Kuhn wants to re-iterate that it's not just the 17 standards, it's the wholesale community opposition and the importance of the Master Plan. Borton stated that the Master Plan reflects democracy in action. Kuhn stated that Northgate owns this property and they have rights, but they need a different plan to be appropriate for the community.

Borton called the question. **In favor: Borton, Smith, Kuhn. Opposed: None. Motion passed.**

The ZBA and legal counsel then discussed the next steps. The draft of the minutes will be finalized and distributed, and then a meeting will be set in January to approve those minutes.

**Public Comment** – John Popa – He thanked the ZBA for their work. He brought forward two additional typographical errors in the draft decision, which will be corrected.

**ZBA Comment** – Borton reiterated that there will continue to be no discussion amongst ZBA members until after the minutes are approved.

**Adjournment** - Kuhn moved to adjourn at 7:01 pm, Smith seconded. All in favor, motion carried.

Respectfully Submitted,

Dana Boomer  
Recording Secretary

DRAFT

**Centerville Township Zoning Board of Appeals  
Findings of Fact and Decision Regarding Northgate Leelanau Pines’  
Appeal of the Planning Commission’s Site Plan Application Denial**

Decision Date: December 20, 2022

The Zoning Board of Appeals (“ZBA”), having considered the entire Planning Commission (“PC”) record regarding Applicant Northgate Leelanau Pines’ (“Leelanau Pines”) site plan application (“SPA”), including:

- all information, written documentation, exhibits, and presentations submitted by Leelanau Pines to the PC;
- all information, written briefs, exhibits, and presentations submitted by Leelanau Pines to the ZBA;
- the ZBA Staff Report drafted by Township legal counsel;
- all comments and letters and emails submitted by the public to both the PC and the ZBA;
- the full Planning Commission record regarding Leelanau Pines’ application, including the substance of all of PC meetings regarding Leelanau Pines’ application, and the Planning Commission’s approved written motion dated October 3, 2022;
- all recommendations and correspondence from agencies having jurisdiction in the area of the proposed development;
- the standards and requirements of the Centerville Township Zoning Ordinance (“ZO”);
- the standards and requirements of the Centerville Township Master Plan; and
- the Leelanau County General Plan

makes general and specific findings of fact, as follows.

Accordingly, Jeff Smith moves to adopt the following findings of fact and decision to affirm the Planning Commission’s denial of Leelanau Pines’ site plan application for the expansion of the Leelanau Pines Campground, and Deb Kuhn seconds the motion.

Members in favor: Smith, Kuhn, Borton

Members opposed: None

David Borton, ZBA Chair, declared the motion adopted unanimously.

## **General Findings of Fact:**

1. On June 22, 2022, Leelanau Pines submitted its proposed SPA to the PC.
2. Under the proposed SPA, Leelanau Pines wishes to expand an existing campground and RV park located within the Commercial Resort District pursuant to Article 6 of the ZO.
3. This campground and RV park is called Leelanau Pines Campground, and is located at 6500 E. Leelanau Pines Drive (Tax Parcel nos. 45-002-035-003-13, 80.08 acres) (the "Property").
4. The SPA proposed to include 172 new campsites (seasonal, RV, and campers), 113 future campsites (which were removed from the original application in subsequent revisions), a new check-in office building, a new water front pavilion, a new marina store with food and beverage service and parking, new employee housing with parking, a new open air pavilion, new pools, equipment buildings, bathhouse, a new maintenance building, new recreational amenities (including walking trails, boardwalk, splashpad, mini-golf, jump pillow, and sports courts), a renovated camp office and restrooms with parking, a renovated game room and storage building, a renovated bathhouse and laundry, a renovated cabin, and a renovated / repaired commercial marina with boat launch and parking.
5. The requested land use is a "Use Permitted by Special Approval" as set forth in Section 6.2 of the ZO; it is not a use permitted by right.
6. The SPA was deemed administratively complete by Centerville Township Zoning Administrator Tim Cypher on July 17, 2022.
7. Under Section 13.1(C) of the ZO, Mr. Cypher's finding initiated a 90-day deadline for any final approval, which was set to expire on October 15, 2022.
8. Leelanau Pines then submitted five different SPA revisions to the PC on the following dates: June 20, 2022; August 2, 2022; August 25, 2022; September 16, 2022; and September 30, 2022.
9. Under Section 2.2 of the ZO, "Special Land Uses Permitted by Special Approval" are defined as "uses and structures which have been generally accepted as reasonably compatible with the primary uses and structures within the zoning district, but could present potential injurious effects upon the primary uses and structures within the zoning district and therefore require special consideration in relation to the welfare of adjacent properties and to the community as a whole. All such proposed uses shall be subject to a public hearing and Site Plan Approval by the Planning Commission."
10. On August 26, 2022, the PC held a public hearing on the SPA, as required by Section 13.1(D)(d) of the ZO.
11. On September 19, 2022, Leelanau Pines submitted a document to the PC answering questions posed by the PC and by public comment, and describing various revisions to the SPA.

12. On September 21, 2022, the PC held a special meeting, at which it requested that the applicant agree to a 90-day extension to the timeline for review, given the many revisions to Leelanau Pines' original SPA. Leelanau Pines indicated it would respond at the next regular meeting. The PC also discussed the 17 "Standards for Granting Site Plan Approval" found in Section 13.1(G)(a) of the ZO, but only had time to consider the first five of these.
13. On October 3, 2022, the PC held a regular meeting. Leelanau Pines responded that it would not agree to extend the PC's timeline for an additional 90 days as requested; it would agree to extend the timeline until October 15, 2022, and would attend a special meeting at any point between October 3, 2022 and October 15, 2022.
14. At that same meeting, the PC continued to discuss the 17 "Standards for Granting Site Plan Approval" found in Section 13.1(G)(a) of the ZO, picking up with number six, where it had left off at the prior special meeting. The PC also considered a motion prepared by one member of the PC (Tim Johnson) in advance of the October 3, 2022 meeting, which addressed each of these 17 standards. This motion had been previously reviewed by Centerville Township's legal counsel, but not shown to any other members of the PC prior to the meeting.
15. At that same meeting, after a lengthy discussion, the PC ultimately voted to deny Leelanau Pines' SPA and adopt the proposed motion, with edits reflecting the PC's discussion on October 3, 2022.
16. Centerville Township Recording Secretary Dana Boomer made edits to the motion accordingly. At the November 7, 2022 regular PC meeting, these edits were approved along with the meeting minutes from October 3, 2022.
17. The public submitted 81 written comments, as well as 56 in-person comments, to the PC. Of these, all were in opposition to the proposed expansion.
18. The ZBA also received 15 additional public comments (both written and in-person). All of these comments were in opposition to the proposed expansion.
19. **Section 13.1(M)(c) of the ZO** provides that the ZBA "shall review the record of action taken on the final site plan and shall determine whether the record supports the action taken. No new evidence shall be presented. The Zoning Board of Appeals shall approve the final site plan if the requirements of this Section and other applicable ordinance requirements are met. The Zoning Board of Appeals shall make written findings in support of its opinion on the appeal."
20. **Additionally, pursuant to MZEA Section 501(4)**, a decision on a proposed site plan must be made on the basis of the "requirements and standards contained in the zoning ordinance, other statutorily authorized and properly approved local unit of government planning documents, other applicable ordinances, and state and federal statutes." MCL 125.3501(4).
21. Similarly, under MZEA Section 501(5), if a proposed site plan contains all of the information required by the zoning ordinance and "is in compliance with the conditions imposed under the zoning ordinance, other statutorily authorized and properly approved local unit of government planning documents, other applicable ordinances, and state and



federal statutes,” the local unit of government must approve the site plan. MCL 125.3501(5).

22. This mandate stems from Michigan legislature’s aspiration that *zoning* and *planning* will play a complementary role, where the planning helps to shape the policy underlying the zoning map and regulations. Accordingly, MZEA Section 203 provides that “[a] zoning ordinance shall be based upon a plan.” MCL 125.3203. The Michigan Court of Appeals has explained: “[G]iven the Legislature’s insistence on planning, the courts of this state should make every effort to preserve such plans where they are developed in good faith and are reasonable as a whole with regard to the needs of the local and the general community.” *Binkowski v Shelby*, 46 Mich App 451, 463, 208 NW2d 243 (1973).
23. Moreover, the Michigan Municipal League’s ZBA Handbook (which Leelanau Pines attached to its appeal brief as Exhibit A) explains in Section 12 (titled “The Planning Commission”) that “it is essential that any action related to zoning, including those actions taken by the zoning board of appeals, should take into consideration the master plan.” (See Zoning Board of Appeals Handbook, Section 12, available here: [https://www.mml.org/pdf/ZBA\\_Handbook\\_2015.pdf](https://www.mml.org/pdf/ZBA_Handbook_2015.pdf), last visited November 29, 2022).
24. Similarly, the Michigan Municipal League’s PC Handbook also advises PCs to rely on the master plan in reaching zoning decisions: “[C]onsistent and vigorous use of the [master] plan will lend credibility to the community’s attempts to implement controversial decisions on rezonings or other zoning actions. While the courts of the State of Michigan do not recognize the absolute authority of the master plan, they do lend much more credibility to actions supported by careful planning than those that appear to be taken arbitrarily against an individual property owner.” (See Planning Commission Handbook, Section 12, available here: <https://www.mml.org/pdf/pcebook.pdf>, last visited November 28, 2022).
25. Accordingly, here, the ZBA finds that it must consider the requirements of the ZO, the Master Plan, and the Leelanau County General Plan, as well as any other planning documents or applicable ordinances in determining whether to affirm, reverse, or modify the PC’s denial of Leelanau Pines’ SPA. Specifically, the ZBA finds:
  - a. First, the ZBA must consider the 17 separate “Standards for Granting Site Plan Approval” delineated in Section 13.1(G) of the ZO.
  - b. Second, the ZBA must consider the ZO’s stated general purpose.
  - c. Third, the ZBA must consider the ZO’s definition of “Special Land Uses Permitted by Special Approval” found in Section 2.2.
  - d. Fourth, the ZBA must consider the ZO’s reference to the Master Plan in Section 13.1 (“Requirements for Site Plan”).
  - e. Fifth, the ZBA must consider the Master Plan’s guidance and goals for consideration of site plan applications.

- f. And sixth, the ZBA must consider the Leelanau County General Plan's guidance and goals as well.
- 26. In sum, the ZBA finds that it must determine whether the site plan meets all of these requirements imposed by the relevant ordinances and planning documents. See MCL 125.3501(4).
- 27. The ZBA finds that the ZBA has made every effort to ensure that Leelanau Pines receives a fair and impartial hearing for this appeal, and that Leelanau Pines' due process rights are considered and respected:
  - a. The ZBA acknowledges that Leelanau Pines argued in its appeal brief to the ZBA that the PC violated its procedural and due process rights and its equal protection rights, by "actively interfering with Leelanau Pines' ability to provide information, correct the [PC's] misstatements, or even answer specific questions. . . . [and by] singling Leelanau Pines out for disparate treatment, failing to consider a conditional approval of Leelanau Pines' Site Plan Application." (See Brief, pages 25-27, ROA001030-001032).
  - b. In this appeal, the ZBA adopted procedures during its December 7, 2022 meeting, which had previously been distributed to Leelanau Pines and posted for the public to read on the Centerville Township website. These procedures included the following:
    - i. The record before the ZBA was organized, indexed, and stored in a Dropbox site. Links to the record were posted on the Township's website.
    - ii. The ZBA was not permitted to consider any new evidence, in line with the ZO's requirements.
    - iii. The ZBA determined it would consider written and oral comments and arguments about the information in the record.
    - iv. Leelanau Pines was given an uninterrupted 20-minute time period in which to present an argument in support of the appeal.
    - v. ZBA members' questions were to be asked at the conclusion of Leelanau Pines' presentation to avoid subtracting from their time.
    - vi. The public hearing was then held, and opened to any member of the public who wished to speak, with a time limit of three minutes per comment.
    - vii. The public hearing was then closed.
    - viii. Then Leelanau Pines was given an opportunity to respond to anything they wished from the public hearing for ten minutes.
    - ix. The ZBA then deliberated. The ZBA determined it was tasked with discussing its opinions regarding the appeal and particularly the 17 site review standards, as well as other zoning and master plan provisions

highlighted in the Staff Report. The ZBA's focus was on whether the PC made a correct or incorrect decision regarding each standard. The ZBA also noted it is required to make detailed findings of fact and a written decision. The object of the ZBA's discussion was to provide sufficient guidance to draft possible findings of fact and a decision reflecting the Board's discussion, for consideration at the December 20, 2022 meeting.

- x. No additional comments from anyone were allowed during deliberation, but ZBA members were permitted to ask questions if they wish.
  - xi. And, finally, public comment at the end of the meeting was limited to matters other than the Leelanau Pines appeal.
  - xii. The ZBA determined that between meetings (on December 7, 2022 and December 20, 2022), Township legal counsel would prepare findings of fact and draft decision for the ZBA to consider at the meeting on December 20, 2022.
  - xiii. The ZBA also permitted Leelanau Pines to submit any final written comments or arguments addressing matters from the December 7, 2022 meeting by the deadline of December 13, 2022.
  - xiv. The ZBA then determined that at the December 20, 2022 meeting it would review and discuss the proposed findings and draft decision, modify them as needed, and vote.
  - xv. Public comment would be taken at the beginning of the meeting but not a second public hearing.
- c. The ZBA finds that Leelanau Pines did not make any additional submission for consideration by the ZBA on or before December 13, 2022.

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### **Specific Findings of Fact:**

The ZBA makes the following specific findings of fact regarding the 17 separate "Standards for Granting Site Plan Approval" found in Section 13.1(G) of the ZO:

**Standard 1: All elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of the lot, the character of adjoining property and the type and size of buildings. The site shall be so developed as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.**

1. The ZBA finds that this standard was discussed in detail at the PC's September 21, 2022 meeting, and in the PC's approved motion dated October 3, 2022 denying the SPA. (See recording of September 21, 2022 PC Meeting, ROA000991; approved minutes from the September 21, 2022 PC meeting, ROA 000203-000214; motion attached to approved minutes from October 3, 2022 PC meeting, ROA000368-00376).

2. The ZBA finds that the PC determined that Leelanau Pines has not provided sufficient information to satisfy this requirement in relation to the shallow water table, extensive wetlands, and the presence of sensitive wetland / shoreline areas. Further, the PC found that Section 4.4 ("Schedule of Zoning Regulations") limits the "maximum lot coverage" within the Commercial-Resort District to 25%. Leelanau Pines' building lot coverage does not account for lot coverage from all of the parking lots, pools, septage lagoons, vehicles, structures, RVs, house trailers and camper trailers. When all of these items are accounted for, the total proposed lot coverage exceeds 25%. Lastly, the application does not include adequate detail / plans for mitigating noise, campfire smoke, and light along the boundaries with adjoining parcels zoned Residential 1 and Agricultural that permit single family residential use. (See motion attached to approved minutes from October 3, 2022 PC meeting, ROA000368-00376).
3. **At the December 7, 2022 meeting, all ZBA members agreed that the PC should be affirmed in its determination that standard #1 was not met by Leelanau Pines' SPA, for the reasons stated by the PC.**
4. Specifically, the ZBA agrees with the PC that the ZO requirements regarding lot coverage found in Section 4.4 are not met, as there is insufficient information in the PC's record to satisfy that requirement. The ZBA interprets the lot coverage requirement in the ZO to also include parking lots, pools, septage lagoons, vehicles, structures, RVs, house trailers, and camper trailers. The ZBA finds that Leelanau Pines did not include these components in its calculations of lot coverage.
5. The ZBA also agrees with the PC that it has concerns regarding campfire smoke, which are not answered by the information submitted by Leelanau Pines to the PC. Specifically, the ZBA believes the PC was unable to predict with the information it had whether hundreds more campsites will cause greater amounts of campfire smoke. The ZBA is concerned about how greater campfire smoke will impact neighboring properties. These concerns are reflected in public comment.
6. The ZBA also agrees with the PC that it has concerns regarding sound and light impacts from the hundreds of additional campsites. Specifically, the ZBA believes the PC was unable to predict with the information it had whether hundreds more campsites will cause greater noise and light. The ZBA is concerned about how greater noise and light will impact neighboring properties. These concerns are reflected in public comment.
7. The ZBA further finds that although Leelanau Pines' intent is to keep campers on-site, campers will also want to see the area, and will cause an overflow of people on surrounding roads.

**Standard 2: The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, and by topographic modifications which result in maximum harmony with adjacent areas.**

1. The ZBA finds that this standard was discussed in detail at the September 21, 2022 meeting, and in the PC's approved motion dated October 3, 2022 denying the SPA. (See recording of September 21, 2022 PC Meeting, ROA000991; approved minutes from the September 21, 2022 PC meeting, ROA 000203-000214; motion attached to approved minutes from October 3, 2022 PC meeting, ROA000368-00376).
2. The ZBA finds that the PC determined that the SPA as submitted and revised does not adequately minimize, detail, or quantify planned tree removal or topographic modifications (e.g., grading, filling, compacting, paving, etc. for campsite, internal drives, on-site parking, building footprints, renovated camp store / boat launch / parking, recreation facilities, and other proposed development areas). (See motion attached to approved minutes from October 3, 2022 PC meeting, ROA000368-000376).
3. **At the December 7, 2022 meeting, all ZBA members agreed that the PC should be affirmed in its determination that standard #2 was not met by Leelanau Pines' SPA, for the reasons stated by the PC.**
4. Specifically, the ZBA agrees with the PC that as a tree survey has not been done, there is too much uncertainty surrounding the planned tree removal or topographic modifications to find that this standard had been met. The major uncertainty lies not necessarily with which trees will remain and which will be removed, but with the *impact* of removal of those trees. The ZBA finds that we owe it to our community to be certain about that impact. At this time, with the information on hand, the ZBA is not even certain enough to go forward with a conditional approval on this standard. The potential impacts here include soil removal, topographic modifications, lots of gravel being brought in, and vegetation disappearing. The ZBA incorporates by reference the letter from Robyn Schmidt (EGLE, WRD) to Leelanau Pines dated July 28, 2022 (ROA000109-000111) detailing a number of potential environmental impacts from the components of the project that are still included since the date of that letter, including impacts to shorelines; those to nearshore areas of lakes that are the most productive areas, supporting habitat for aquatic life, including fish; potential floodplain effects; and potential impacts to state-listed threatened Cisco and Common Loon. Based on the ZBA's experience, removing older trees is not necessarily mitigated by replanting. Removing mature trees removes the site's capacity to absorb sound, light and excess campfire smoke, for example.

**Standard 3: Site plans shall fully conform with the published surface water drainage standards of the County Drain Commission.**

1. The ZBA finds that this standard was discussed in detail at the September 21, 2022 meeting, and in the PC's approved motion dated October 3, 2022 denying the SPA. (See recording of September 21, 2022 PC Meeting, ROA000991; approved minutes from the September 21, 2022 PC meeting, ROA 000203-000214; motion attached to approved minutes from October 3, 2022 PC meeting, ROA000368-00376).
2. The ZBA finds that the PC determined the SPA as submitted and revised does not demonstrate adequate conformance with the Leelanau County Drain Commission regulations or the Leelanau County Stormwater Ordinance. The PC has not received adequate evidence of Drain Commission assurance or approval, storm water management calculations, or sufficient detail to assess the efficiency or

effectiveness of the proposed storm water management. (See motion attached to approved minutes from October 3, 2022 PC meeting, ROA000368-000376).

3. **At the December 7, 2022 meeting, all ZBA members agreed that the PC should be affirmed in its determination that standard #3 was not met by Leelanau Pines' SPA, for the reasons stated by the PC.**
4. Specifically, the ZBA finds that, while it is noteworthy that Leelanau Pines stated that it has received Drain Commission approval subsequent to the PC's decision on October 3, 2022, the Township has received no first-hand evidence of that approval. Further, what is most significant for the purposes of this appeal is that Leelanau Pines had not yet received any such approval while the PC was deliberating. The ZBA finds that under the clear directive of ZO Section 13.1(M)(c), the ZBA is not permitted to consider new evidence that was not in the PC's record. For these reasons, the ZBA finds that the PC was correct when it determined that it did not have adequate information to find that this standard had been met, given this standard's importance.

**Standard 4: Special attention shall be given to proper site drainage so that removal of storm waters will not adversely affect neighboring property owners.**

1. The ZBA finds that this standard was discussed in detail at the September 21, 2022 meeting, and in the PC's approved motion dated October 3, 2022 denying the SPA. (See recording of September 21, 2022 PC Meeting, ROA000991; approved minutes from the September 21, 2022 PC meeting, ROA 000203-000214; motion attached to approved minutes from October 3, 2022 PC meeting, ROA000368-000376).
2. The ZBA finds that the PC made the same findings for standard #4 as it did for standard #3 above. The PC found that the SPA also does not provide adequate storm water management detail, and that Leelanau Pines has not (or had not at the time of the PC decision) applied for Parts 301 and 303 of the Michigan Natural Resources and Environmental Protection Act permits for storm water management or other site plan elements proposed to impact wetlands or surface waters. (See motion attached to approved minutes from October 3, 2022 PC meeting, ROA000368-000376) (note: the motion accidentally cites to Part 31 instead of 301).
3. **At the December 7, 2022 meeting, all ZBA members agreed that the PC should be affirmed in its determination that standard #4 was not met by Leelanau Pines' SPA, for the reasons stated by the PC.**
4. Specifically, the ZBA finds this standard intends to address how an applicant *deals* with stormwater on its property (even though the standard uses the "old-timey language" of "*removal* of storm water" instead).
5. The ZBA also finds that Leelanau Pines' many revisions of its SPA created an unclear record regarding this standard. These revisions were like a "moving target," which made it difficult for the PC to come up with firm numbers of campsites, and how the storm water would be dealt with for those sites.

6. The ZBA also finds that runoff into the lake is a real concern with this project. The roads are primarily dirt, two-tracks, and not paved. This is a fragile landscape. Higher standards are required, and more knowledge is insisted upon. The long-term health of the lake is at stake and very important to the community. This is a concern that is central to many of the public comments submitted. The ZBA finds that, in the absence of such certainty, the PC was justified in finding that this standard had not been met.
7. The ZBA also finds that the health of Rice Creek is a real concern with this project as well, particularly as a spawning, nursery, and refuge area for fish and other aquatic wildlife. The ZBA finds that, again, in the absence of such certainty, the PC was justified in finding that this standard had not been met.

**Standard 5: The site plan shall provide reasonable, visual and sound privacy for all dwelling units located therein and adjacent parcels. Fences, walks, barriers and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.**

1. The ZBA finds that this standard was discussed in detail at the September 21, 2022 meeting, and in the PC's approved motion dated October 3, 2022 denying the SPA. (See recording of September 21, 2022 PC Meeting, ROA000991; approved minutes from the September 21, 2022 PC meeting, ROA 000203-000214; motion attached to approved minutes from October 3, 2022 PC meeting, ROA000368-00376).
2. The ZBA finds that the PC determined that vegetative screening and buffering in and of itself does not adequately mitigate nuisance sound, including RV generator use. Barriers such as adequately landscaped earthen berms would adequately provide reasonable visual and sound privacy. The SPA does not provide adequate plans to manage / mitigate noise, visual impact, outdoor and other lighting impact (see also ZO Section 3.18 Outdoor Lighting Ordinance), nor does it otherwise adequately protect privacy along boundaries with adjoining properties zoned R-1 and AG. (See motion attached to approved minutes from October 3, 2022 PC meeting, ROA000368-000376).
3. **At the December 7, 2022 meeting, all ZBA members agreed that the PC should be affirmed in its determination that standard #5 was not met by Leelanau Pines' SPA, for the reasons stated by the PC.**
4. Specifically, the ZBA finds that, while Leelanau Pines claims that RVs will not use generators because there are electrical outlets at each site, the ZBA believes that typically electrical hook-ups are *fee-based*, and instead the ZBA predicts that it is likely that some campers will use RV generators as an alternative to paying for electrical. Therefore, there will likely be noise from RV generator use. Particularly in light of the fact that electrical power often goes out in Leelanau County.
5. But, the ZBA finds that noise from RV generators is a secondary concern to the elevated noise levels that will come from the greater numbers of campers. The ZBA is concerned about the potential for nuisance sound affecting other campers and adjacent parcels. The ZBA does not believe that the SPA adequately details how noise will be mitigated at the site. These concerns are reflected in public comment.

6. The ZBA also incorporates its findings from standard #1 above regarding campfire smoke, noise, and light.

**Standard 6: All buildings or groups of buildings shall be so arranged as to permit emergency access by some practical means to all sides.**

1. The ZBA finds that this standard was discussed in detail at the October 3, 2022 meeting, and in the PC's approved motion dated October 3, 2022 denying the SPA. (See approved minutes from October 3, 2022 PC meeting, ROA000360-000376; recording of October 3, 2022 PC Meeting, ROA000992; motion attached to approved minutes from October 3, 2022 PC meeting, ROA000368-000376).
2. The ZBA finds that the PC incorporated its findings for standard #13 into its findings for this standard. The ZBA finds that the PC expressed that it could not find this standard had been met, as the final review by the Fire Chief had not yet been completed by October 3, 2022. This lack of final approval was due to Leelanau Pines' many revisions to the site plan application over time. The PC expressed needing to see a final review letter from the Fire Chief before considering the standard met. (See motion attached to approved minutes from October 3, 2022 PC meeting, ROA000368-000376).
3. The ZBA also finds that while it is noteworthy that Leelanau Pines has received their Fire Chief approval subsequent to the PC's decision on October 3, 2022, the ZBA cannot consider such information as it is new evidence prohibited by ZO Section 13.1(M)(c).
4. **At the December 7, 2022 meeting, the ZBA members had different views on whether this standard could be met with a conditional approval or not.**
  - a. Dave Borton (ZBA Chair) expressed that he could understand the PC's hesitancy to approve this standard without a firm approval by the Fire Chief, given the importance of the standard, how complex it is, and how many changes there were to the SPA during the few months before the PC's decision.
  - b. Deb Kuhn conceded to Mr. Borton's point (despite initially stating that she thinks this may be a standard that could be reasonably approved conditionally, based on a condition of receiving a letter of approval from the Fire Chief, as the Fire Chief is known to be thorough).
  - c. Jeff Smith believes that a conditional approval is reasonable for this standard. Smith feels that this standard is one that gets to the heart of what a conditional approval is for. He believes there is more certainty with this issue than others.
5. **Accordingly, after reviewing the evidence, and deliberating further on this issue at the December 20, 2022 meeting, the ZBA now finds:**
  - a. **The ZBA now finds that the PC should be affirmed in its determination that standard #6 was not met by Leelanau Pines' SPA, for the reasons stated by the PC.** All ZBA members concur that at the time the PC made its



decision on October 3, 2022, Leelanau Pines had not yet received approval from the Fire Chief, largely due to Leelanau Pines' many revisions of the SPA. As a result, the PC did not have adequate information to find that this standard had been met without such approval, given this standard's importance.

**Standard 7: If there is a pedestrian circulation system, it shall be insulated as completely as reasonably possible from the vehicular circulation system.**

1. The ZBA finds that this standard was discussed in detail at the October 3, 2022 meeting, and in the PC's approved motion dated October 3, 2022 denying the SPA. (See approved minutes from October 3, 2022 PC meeting, ROA000360-000376; recording of October 3, 2022 PC Meeting, ROA000992; motion attached to approved minutes from October 3, 2022 PC meeting, ROA000368-000376).
2. The ZBA finds that the PC expressed it would like to see the pedestrian crosswalks marked, bike lanes marked, and physical speed reduction measures put in place. The PC also had serious concerns about the separation between the vehicle and pedestrian circulation systems generally. The PC noted there have been several comments from existing campers who are concerned about the lack of enforcement of existing speed limits and the safety of pedestrians, especially children. (See approved minutes from October 3, 2022 PC meeting, ROA000360-000376; recording of October 3, 2022 PC Meeting, ROA000992)
3. Additionally, the ZBA finds that the PC determined that the SPA as submitted and revised does not adequately demonstrate the isolation of pedestrian circulation from vehicular traffic (either as completely or as reasonably possible). The PC found that, as proposed, the expansion will not improve pedestrian circulation systems. (See motion attached to approved minutes from October 3, 2022 PC meeting, ROA000368-000376).
4. **At the December 7, 2022 meeting, the ZBA members had different views on whether the PC's findings for this standard should be affirmed or reversed.**
  - a. Dave Borton (ZBA Chair) explained that he believes it is very difficult to separate a pedestrian circulation system from a vehicular circulation system in an area such as an RV park. He has enough questions on this item himself that he feels the PC was appropriate in not considering this standard met. However, he also believes a complete separation is a tall order for a campground. He emphasized the subjectivity of this standard.
  - b. Deb Kuhn stated that the current dirt roads make the campground feel natural, and she does not want to insist on conditions that make it feel less rustic. However, when the PC looked at this standard, she notes that they did not find more signage continuing the 5mph speed limit and other markings that they found important.
  - c. Jeff Smith explained that he has mixed feelings about this standard himself, because a key aspect of a typical northern Michigan campground (like Leelanau Pines) is that it has narrow roads, slow vehicle traffic, and a mingling of people and traffic. He doesn't want to insist on what looks like a

city road/sidewalk system that would change the cultural feel of the campground. At the same time, he also reiterated that the purpose of the ZBA is to determine whether the decision of the PC was justifiable, rather than just whether the ZBA would have a different opinion.

**6. Accordingly, after reviewing the evidence, and deliberating further on this issue at the December 20, 2022 meeting, the ZBA now finds:**

- a. **The ZBA now finds that the PC should be affirmed in its determination that standard #7 was not met by Leelanau Pines' SPA, for the reasons stated by the PC.** All ZBA members concur that the ZBA has similar concerns to the PC about the separation between the vehicle and pedestrian circulation systems generally, and do not feel comfortable approving this standard without more bicycle lane and cross-walk markings, as well as additional vehicle speed reduction measures to protect pedestrians walking through the campground, particularly when they are not sticking to the designated pedestrian-only areas, but are instead walking to places like the lakefront beach.

***Standard 8: All loading and unloading areas and outside storage areas, including areas for the storage of trash, which face or are visible from residential districts or public thoroughfares, shall be screened, by a vertical screen consisting of structural or plant material no less than six (6) feet in height.***

1. The ZBA finds that this standard was discussed in detail at the October 3, 2022 meeting, and in the PC's approved motion dated October 3, 2022 denying the SPA. (See approved minutes from October 3, 2022 PC meeting, ROA000360-000376; recording of October 3, 2022 PC Meeting, ROA000992; motion attached to approved minutes from October 3, 2022 PC meeting, ROA000368-000376).
2. The ZBA finds that the PC determined that the SPA as submitted and revised does not adequately demonstrate compliance to this requirement. (See motion attached to approved minutes from October 3, 2022 meeting, ROA000368-000376).
3. **At the December 7, 2022 meeting, the ZBA members requested more information from Township legal counsel in order to be able to reach a decision on this standard. The ZBA indicated it will continue deliberating on this standard at the December 20, 2022 meeting.**
  - a. Dave Borton (ZBA Chair) indicated that on his site visit to Leelanau Pines campground, he saw that some trash receptacles were screened and some were not.
  - b. Jeff Smith reminded Mr. Borton that the ZBA is required to make a determination based on the proposed details in the SPA, not on what is currently in place today.
  - c. Mr. Borton then expressed he is not certain whether the PC had complete information on this topic. Smith quoted Leelanau Pines' response on this topic from the October 3, 2022 PC meeting, that it would comply with this screening height requirement for the dumpster enclosure.

- d. All ZBA members requested that Township legal counsel provide them with any quotes from the October 3, 2022 PC meeting on this topic. And the ZBA members also expressed that they will go back and review the video of and minutes from the October 3, 2022 meeting themselves, as well as the other exhibits, and will continue deliberations on this standard at the next meeting on December 20, 2022.
  - e. The ZBA now finds that during the October 3, 2022 PC meeting, the Zoning Administrator Tim Cypher noted that the SPA states that it will provide a vertical screen but does not specify height. So, Mr. Cypher asked Leelanau Pines to clarify that point. Leelanau Pines responded “we will comply with the ordinance.” (See approved minutes from October 3, 2022 PC meeting, ROA000360-000376; recording of October 3, 2022 PC Meeting, ROA000992).
4. **Accordingly, after reviewing the evidence, and deliberating further on this issue at the December 20, 2022 meeting, the ZBA now finds:**
- a. **The ZBA now finds that the PC’s determination regarding standard #8 should be reversed.** The ZBA finds that the SPA as submitted and revised, in combination with Leelanau Pines’ concurrence during the October 3, 2022 PC meeting that it “will comply with the ordinance,” does adequately demonstrate compliance with this standard. This is a very straightforward requirement for which Leelanau Pines can easily demonstrate compliance, and does not involve any complex or subjective considerations. **The ZBA finds that this standard could have been met through conditional approval.**

**Standard 9: Exterior lighting shall be arranged so that it is deflected away from adjacent properties and so that it does not impede the vision of traffic along adjacent streets.**

1. The ZBA finds that this standard was discussed in detail at the October 3, 2022 meeting, and in the PC’s approved motion dated October 3, 2022 denying the SPA. (See approved minutes from October 3, 2022 PC meeting, ROA000360-000376; recording of October 3, 2022 PC Meeting, ROA000992; motion attached to approved minutes from October 3, 2022 PC meeting, ROA000368-000376).
2. The ZBA finds that the PC found there was not enough detail to confirm whether the lighting meets the ZO. For example, the PC expressed there is some ambiguity around the lighting in the parking areas, and whether the lighting in the parking lot near the shore will be on all night, as it would reflect onto the lake. The PC was also concerned that lights should be non-operational when the campground is not open, unless otherwise required by authorizing agencies, and the PC felt it did not have adequate information on that issue. (See approved minutes from October 3, 2022 PC meeting, ROA000360-000376; recording of October 3, 2022 PC Meeting, ROA000992).
3. The ZBA also finds that the PC determined that Leelanau Pines’ SPA as submitted and revised does not adequately demonstrate that exterior lighting shall be effectively deflected from adjoining properties or protective of the dark night sky.

(See motion attached to approved minutes from October 3, 2022 PC meeting, ROA000368-000376).

4. **At the December 7, 2022 meeting, all ZBA members agreed that the PC should be reversed in its determination that standard #9 was not met, and instead the ZBA determined that this standard should have had a conditional approval by the PC.**
5. Specifically, the ZBA finds that the PC should have conditionally approved this standard, based on a condition of dark sky protection, directing the lights away from the lake, and directional lighting. Leelanau Pines explains that the intent of the campground is to have limited outdoor lighting in keeping with the camping experience, and that stargazing and viewing the dark night sky are prime camping activities that Leelanau Pines will promote and preserve. The ZBA finds these assertions compelling. Additionally, the SPA shows and labels only three new exterior lights, which is relatively minimal. The ZBA further finds that this standard is not as complex as others (such as the nuances of stormwater runoff and the protection of fish habitats), and can be met through Leelanau Pines' specific conditional efforts.

**Standard 10: The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. Streets and drives which are a part of an existing or planned street pattern which serves adjacent development shall be of a width appropriate to the traffic volume they will carry and shall have a dedicated right-of-way equal to that specified by the County Road Commission.**

1. The ZBA finds that this standard was discussed in detail at the October 3, 2022 PC meeting. (See approved minutes from October 3, 2022 PC meeting, ROA000360-000376; recording of October 3, 2022 PC Meeting, ROA000992).
2. The ZBA finds that the PC noted errors in the traffic study, one where the three-way "T" intersection was not modelled correctly, as well as other errors involving stop signs (there should be no stop sign on Schomberg Road, and there should be a stop sign on Lakeshore). The ZBA finds that these errors still needed to be corrected in the traffic study as of the October 3, 2022 PC meeting. The ZBA also finds that the PC expressed a desire to see a condition regarding approval by the County Road Commission. And the ZBA finds that the PC expressed a desire for Leelanau Pines to work with the Road Commission to install a right-turn taper into the campground. Additionally, the ZBA finds that the PC stated that within the park, there are not markings regarding which roads will be one-way and which will be two-way; this needs to be pointed out or added. The PC determined the new road widths may affect those notations, and the road widths should be provided as part of the SPA. (See approved minutes from October 3, 2022 PC meeting, ROA000360-000376; recording of October 3, 2022 PC Meeting, ROA000992).
3. **At the December 7, 2022 meeting, all ZBA members agreed that the PC should be affirmed in its determination that standard #10 was not met by Leelanau Pines' SPA, for the reasons stated by the PC.**

4. Specifically, the ZBA finds that the PC considered the traffic study in depth, and that the PC had legitimate outstanding questions regarding what aspects of traffic were able to be studied and which were not. (See Leelanau Pines Campground Traffic Impact Assessment Memo dated September 21, 2022, ROA000215-000290). The ZBA stands with the PC's findings because of the errors in the traffic study that were still present during the PC's deliberations on October 3, 2022. Moreover, public comments expressed the same concerns. (See, e.g., Sarah Bordeaux written comment, October 3, 2022, ROA000569-000572; John Popa written comment, October 3, 2022, ROA000552-000554).

**Standard 11: All streets shall be developed in accordance with the Centerville Township Private Road Ordinance or the Leelanau County Road Commission specifications as required.**

1. The ZBA finds that this standard was discussed in detail at the October 3, 2022 meeting, and in the PC's approved motion dated October 3, 2022 denying the SPA. (See approved minutes from October 3, 2022 PC meeting, ROA000360-000376; recording of October 3, 2022 PC Meeting, ROA000992; motion attached to approved minutes from October 3, 2022 PC meeting, ROA000368-000376).
2. The ZBA finds that the PC determined that the SPA does not comply with ZO Section 6.6's requirements regarding off-street parking, which requires 1.5 spaces per camping space. There is currently only 1 designated parking space per camp site. (See approved minutes from October 3, 2022 PC meeting, ROA000360-000376; recording of October 3, 2022 PC Meeting, ROA000992).
3. The ZBA also finds that the PC determined that the application as submitted and revised does not adequately demonstrate compliance with this requirement. (See motion attached to approved minutes from October 3, 2022 PC meeting, ROA000368-000376).
4. **At the December 7, 2022 meeting, the ZBA members requested more information from the Township legal counsel in order to be able to reach a decision on this standard. The ZBA indicated it will continue deliberating on this standard at the December 20, 2022 meeting.**
  - a. Dave Borton (ZBA Chair) expressed that it is difficult at this time of year (in December) to see visually what is happening with campers and parking spots because there are so few campers. He pointed out that Leelanau Pines' assertions regarding the number of parking spots differs from the PC's findings. Specifically, Leelanau Pines asserted to the PC at the October 3, 2022 meeting that there is actually enough room for two vehicles to park at each campsite.
  - b. Jeff Smith expressed he feels it is important to know whether the applicant stated this detail regarding the number of parking spots per campsite prior to the PC's October 3, 2022 decision, either during the October 3, 2022 meeting or prior.

- c. All ZBA members requested that Township legal counsel provide them with additional information on this topic. The ZBA members also expressed that they will go back and review the video of and minutes from the October 3, 2022 meeting themselves, as well as the other exhibits, and will continue deliberations on this standard at the next meeting on December 20, 2022.
  - d. The ZBA now finds that Leelanau Pines explained to the PC at the October 3, 2022 meeting that “on sheet 201, in the upper left-hand corner, we have a typical campsite layout, describing the approximate dimensions and the aggregate pads and they are 14 feet wide, which allows for two vehicles to park in close proximity, which is quite common in a campground.” (See approved minutes from October 3, 2022 PC meeting, ROA000360-000376; recording of October 3, 2022 PC Meeting, ROA000992). This 14-foot-wide space is reflected in the drawing on page C201 of Leelanau Pines’ Site Plan Application submitted on September 16, 2022. (See ROA000165-000186).
5. **Accordingly, after reviewing the evidence, and deliberating further on this issue at the December 20, 2022 meeting, the ZBA now finds:**
- a. **The ZBA now finds that the PC should be affirmed in its determination that standard #11 was not met by Leelanau Pines’ SPA, for the reasons stated by the PC.** The ZBA agrees with the PC that the SPA as submitted and revised does not adequately demonstrate compliance to this requirement – that is because the SPA does not demonstrate specific compliance with ZO Section 6.6’s requirements regarding off-street parking, which requires 1.5 spaces per camping space. The SPA does not specifically address this requirement, nor does it show how cars will fit in each campsite.

**Standard 12: Site plans shall fully conform to the driveway and traffic safety standards of the Michigan Department of Transportation and/or the County Road Commission.**

1. The ZBA finds that this standard was discussed in detail at the October 3, 2022 meeting, and in the PC’s approved motion dated October 3, 2022 denying the SPA. (See approved minutes from October 3, 2022 PC meeting, ROA000360-000376; recording of October 3, 2022 PC Meeting, ROA000992; motion attached to approved minutes from October 3, 2022 PC meeting, ROA000368-000376).
2. The ZBA finds that the PC determined that this standard is not applicable with regards to MDOT. The ZBA also finds that the PC determined that while the PC has been receiving updated site plans, it has not been receiving updated applications, and the two diverge; there is now outdated or incomplete information in the application. The application must contain detailed information, which is not provided – instead it is vague. (See approved minutes from October 3, 2022 PC meeting, ROA000360-000376; recording of October 3, 2022 PC Meeting, ROA000992).
3. The ZBA also finds that the PC determined that overall, the application as submitted and revised does not demonstrate adequate conformance with the traffic safety standards of the Leelanau County Road Commission. The ZBA finds the PC explained that the traffic impact assessment submitted to the Township on September 21, 2022, while not projecting an unacceptable degradation to the existing level of service at CR-643 (S. Lake Shore Dr.) states that 90% of trips

generated at peak hours by the Leelanau Pines site with proceed southerly on CR-643 (S. Lake Shore Dr.) and 10% will turn northerly on CR-643 (S. Lake Shore Dr.). The ZBA also finds that the PC stated that, importantly, the expanded Leelanau Pines Campground will weekly generate a 4.6-fold increase in traffic associated with Friday check-in and Monday check-out times at S. Lake Shore Dr. These increases in traffic are contextual, and are considered to represent unacceptable increases in traffic volume and potential unacceptable hazards to public safety / pedestrian and other multi-modal non-motorized transportation, i.e., “complete streets.” The ZBA also finds that the PC further noted that vehicle trips generated were not assessed for holidays or peak hours during holidays, and additional increased traffic is also reasonably anticipated at those times. (See motion attached to approved minutes from October 3, 2022 PC meeting, ROA000368-000376; see also Leelanau Pines Campground Traffic Impact Assessment Memo dated September 21, 2022, page 7, ROA000221.)

4. **At the December 7, 2022 meeting, all ZBA members agreed that the PC should be affirmed in its determination that Standard #12 was not met by Leelanau Pines’ SPA, for the reasons stated by the PC.**
5. Specifically, the ZBA finds that this standard is an especially important one to the well-being of the Centerville Township community on the whole. The ZBA is extremely concerned about the results of the traffic study showing that the increase in campers would weekly generate a 4.6-fold increase in traffic, which is very large. This would be a cultural change for the community. The ZBA is concerned that the traffic study looked at Labor Day weekend as a “representative” weekend, when that does not reflect the heaviest traffic times of the year for the county. And the ZBA finds that it is extremely problematic that the traffic study is unable to project what the degradation would be to CR-643 due to the increase in traffic. The ZBA finds that this is a point that goes to the *scale* of the proposed expansion of the campground – more is not always better. The large scale of the project is showing up dramatically in things like traffic, and the ZBA cannot approve the SPA as proposed for this reason.

**Standard 13: Site plans shall fully conform to the applicable fire safety and emergency vehicle access requirements of the State Construction Code and/or local Fire Chief requirements.**

1. The ZBA finds that this standard was discussed in detail at the October 3, 2022 meeting, and in the PC’s approved motion dated October 3, 2022 denying the SPA. (See approved minutes from October 3, 2022 PC meeting, ROA000360-000376; recording of October 3, 2022 PC Meeting, ROA000992; motion attached to approved minutes from October 3, 2022 PC meeting, ROA000368-000376).
2. The ZBA finds The ZBA finds that the PC expressed that it could not find this standard had been met, as the final review by the Fire Chief had not yet been completed by October 3, 2022. This lack of final approval was due to Leelanau Pines’ many revisions to the site plan application over time. The PC expressed needing to see a final review letter from the Fire Chief before considering the standard met. (See approved minutes from October 3, 2022 PC meeting, ROA000360-000376; recording of October 3, 2022 PC Meeting, ROA000992; motion

attached to approved minutes from October 3, 2022 PC meeting, ROA000368-000376).

3. The ZBA also finds that while it is noteworthy that Leelanau Pines has received their Fire Chief approval subsequent to the PC's decision on October 3, 2022, the ZBA cannot consider such information as it is new evidence prohibited by ZO Section 13.1(M)(c).
4. **At the December 7, 2022 meeting, the ZBA members had different views on whether the PC's findings for this standard should be affirmed or reversed.**
  - a. Dave Borton (ZBA Chair) expressed that fire safety and emergency vehicle access requirements are important issues, and that he supports the finding of the PC that they could not approve this standard without approval from the Fire Chief.
  - b. Deb Kuhn expressed that she believes this is the same issue as standard #6, where the ZBA discussed the possibility that the Fire Chief's approval is a reasonable condition for approval of the standard. She feels the same is true here.
  - c. Jeff Smith explained that this is an issue he believes is much easier to address with a conditional approval than other more complex or subjective standards.
7. **Accordingly, after reviewing the evidence, and deliberating further on this issue at the December 20, 2022 meeting, the ZBA now finds:**
  - a. **The ZBA now finds that the PC should be affirmed in its determination that standard #13 was not met by Leelanau Pines' SPA, for the reasons stated by the PC.** All ZBA members concur that at the time the PC made its decision on October 3, 2022, Leelanau Pines had not yet received approval from the Fire Chief, largely due to Leelanau Pines' many revisions of the SPA. As a result, the PC did not have adequate information to find that this standard had been met without such approval, given this standard's importance.

**Standard 14: Site plans shall fully conform to the County Soil Erosion and Sedimentation Control Ordinance.**

1. The ZBA finds that this standard was discussed in detail at the October 3, 2022 PC meeting. (See approved minutes from October 3, 2022 PC meeting, ROA000368-000376; recording of October 3, 2022 PC Meeting, ROA000992).
2. The ZBA finds that the PC expressed its desire at the October 3, 2022 PC meeting to have a condition regarding approval by Soil & Erosion Control. The ZBA finds that when the PC asked whether any such final approval had yet been received, they learned that Soil & Erosion Control made a statement in July 2022, which acknowledged receipt of the initial site drawings and asked for additional information. The ZBA finds that the PC expressed that it would want to have an extra condition that the agency recommendations be required and reviewed by the PC before



granting SPA approval, given the importance of this project. (See approved minutes from October 3, 2022 PC meeting, ROA000360-000376; recording of October 3, 2022 PC Meeting, ROA000992).

3. **At the December 7, 2022 meeting, all ZBA members agreed that the PC should be affirmed in its determination that standard #14 was not met by Leelanau Pines' SPA, for the reasons stated by the PC.**
4. Specifically, the ZBA finds that this is such a critical issue to the Township that it agrees with the PC's inability to move forward on this standard without additional information. The Property is an environmentally-sensitive area with a substantial cedar swamp wetlands section, which acts as "nature's filter." There are too many unanswered questions regarding soil erosion and sedimentation control with the project.
5. The ZBA further incorporates into its finding, by reference, the information detailed in Robyn Schmidt's (EGLE, WRD) letter to Leelanau Pines dated July 28, 2022, explaining that the project, as currently designed, would also require authorization under Part 91, Soil Erosion and Sedimentation Control, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended. (See ROA000109-000111).

**Standard 15: Site plans shall fully conform to the requirements of the Michigan Department of Public Health and the District Health Department.**

1. The ZBA finds that this standard was discussed in detail at the October 3, 2022 PC meeting, and in the PC's approved motion dated October 3, 2022 denying the SPA. (See approved minutes from October 3, 2022 PC meeting, ROA000360-000376; recording of October 3, 2022 PC Meeting, ROA000992; motion attached to approved minutes from October 3, 2022 PC meeting, ROA000368-000376).
2. The ZBA finds that the PC's determination that this standard was not met is based in part on the most recent letter from the District Health Department, which expressed reservations with regard to the soil conditions and the lagoon system, and the fact that there was no follow-up submitted by Leelanau Pines. (See approved minutes from October 3, 2022 PC meeting, ROA000360-000376; recording of October 3, 2022 PC Meeting, ROA000992).
3. The ZBA further finds the PC had the same concern with this standard as the previous standard. (See approved minutes from October 3, 2022 PC meeting, ROA000360-000376; recording of October 3, 2022 PC Meeting, ROA000992).
4. The ZBA further finds that the PC determined that the SPA as submitted and revised does not demonstrate adequate conformance with Michigan EGLE Part 41 or Benzie-Leelanau District Health Department (BLDHD) codes and regulations for sewage treatment / disposal and additional required public water supply. The PC notes that BLDHD informed Leelanau Pines that "required onsite permitting will be through EGLE (Groundwater Discharge permit). Campground construction permits will also be required through EGLE (Dave Graves / Sarah Rottiers). Additional Type II wells will need to be permitted through our Department. Soils in this general area

are unsuitable to marginal, not sure how much expansion will be allowed with current lagoon system.” The ZBA finds the PC expressed it had not received evidence of EGLE or BLDHD related studies, engineered plans for sewage system expansion, new Type II public wells and distribution system location / detail / plans, etc., or sufficient detail to assess sewage treatment system expansion plans and the related potential for groundwater, wetland and / or surface water impact. (See motion attached to approved minutes from October 3, 2022 PC meeting, ROA000368-000376).

5. **At the December 7, 2022 meeting, all ZBA members agreed that the PC should be affirmed in its determination that standard #15 was not met by Leelanau Pines’ SPA, for the reasons stated by the PC.**
6. Specifically, the ZBA has the same concerns with this standard as the previous standard as well, particularly related to the District Health Department regarding the soil conditions and the lagoon system. This is a critical aspect of the project. The ZBA finds that the PC could not simply count on the appropriate disposal of waste, and then have it not be appropriate down the line. This project component is too important to the protection and maintenance of water quality and must be established ahead of time. The Health Board said it needed more information, and that is critical. The ZBA finds the site is fragile, as it is very low, and close to the lake. The lagoon is large. The ZBA finds that a significant expansion of the number of campers disposing of human waste at the site will cause impacts. The ZBA (and by extension the PC) would need more information on that before approving this standard, even conditionally. A public comment from the current Lake Biologist for the Lake Leelanau Lake Association addresses these concerns as well. (See Brian Price written comment, August 29, 2022, ROA000413-000415).

**Standard 16: Site plans shall fully conform to all applicable state and federal statutes.**

1. The ZBA finds that this standard was discussed in detail at the October 3, 2022 PC meeting, and in the PC’s approved motion dated October 3, 2022 denying the SPA. (See approved minutes from October 3, 2022 PC meeting, ROA000360-000376; recording of October 3, 2022 PC Meeting, ROA000992; motion attached to approved minutes from October 3, 2022 PC meeting, ROA000368-000376).
2. The ZBA finds that the PC had concerns that they do not have all of the pertinent information with regard to applicable state and federal statutes. (See approved minutes from October 3, 2022 meeting, ROA000360-000376; recording of October 3, 2022 PC Meeting, ROA000992).
3. **At the December 7, 2022 meeting, all ZBA members agreed that the PC should be affirmed in its determination that standard #16 was not met by Leelanau Pines’ SPA, for the reasons stated by the PC.**
4. Specifically, the ZBA has the same concerns as the PC that there is a likelihood of pollution, impairment and destruction of the air, water, and other natural resources of the State and the public trust therein as a result of this project expanding the campground.

5. The ZBA finds that many of the public comments in the record from foresters and biologists share these concerns regarding environmental impact. (See e.g., Chris Grobbel public comment, in person at September 21, 2022 PC meeting, ROA000209; Kama Ross public comment, in person at September 21, 2022 PC meeting, ROA000210; N. Popa written comment, September 23, 2022 (attaching the 2001 study of the Carrying Capacity of South Lake Leelanau), ROA000505-000514).

**Standard 17: Site plans shall conform to all applicable requirements of local, state and federal statutes and approval shall be conditioned on the applicant receiving necessary state and federal permits before final site plan approval or an occupancy permit is granted.**

1. The ZBA finds that this standard was discussed in detail at the October 3, 2022 PC meeting, and in the PC's approved motion dated October 3, 2022 denying the SPA. (See approved minutes from October 3, 2022 PC meeting, ROA000360-000376; recording of October 3, 2022 PC Meeting, ROA000992; motion attached to approved minutes from October 3, 2022 PC meeting, ROA000368-000376).
2. The ZBA finds that the PC determined that the SPA insufficiently demonstrates compliance with all applicable local and state statutes, and therefore the PC determined it could not conditionally approve the site plan under this standard. Specifically, the PC stated it could not issue a conditional approval because the application has not adequately demonstrated that the project as proposed: (a) would ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity; (b) would protect the natural environment and conserve natural resources; (c) would ensure compatibility with adjacent uses of land; and (d) would promote the use of land in a socially and economically desirable manner as required by Article XIII Section 13.1(H)(a) of the ZO. (See motion attached to approved minutes from October 3, 2022 meeting, ROA000368-000376).
3. The ZBA also finds that the PC determined that the SPA as proposed is in direct conflict with the Purpose of the ZO. (See motion attached to approved minutes from October 3, 2022 PC meeting, ROA000368-000376).
4. The ZBA also finds that the PC determined that the expansion of the number of camp/RV sites, new land uses and structures at the Leelanau Pines Campground as proposed would violate several of the Goals of Chapter 7 of the Centerville Township Master Plan entitled "Community Vision, Goals & Objectives", including the Land Use Goal, the Natural Resource Goal, and the Infrastructure and Public Service Goal. Specifically, the PC determined that the proposed expansion is inconsistent with:
  - a. Preserving the unique character of the Township, including the "peaceful rural character and the scenic beauty" of the Township (an overarching goal of many provisions in the entire Master Plan);
  - b. Managing growth consistent with the goals and objectives of the Master Plan (another overarching goal of many portions of the Master Plan);
  - c. Protecting water resources to ensure their quality generally, including protecting surface waters from the negative impacts of overdevelopment and overuse (Section 3.6);

- d. Preserving and protecting wetlands (Section 3.6.2);
  - e. Generally protecting the environmental features and natural resources of the Township (Section 3.8.)
  - f. Land Use Goal 7.2.1, Objective 2: Guide growth and development towards the towns of Cedar and Lake Leelanau.
- (See motion attached to approved minutes from October 3, 2022 PC meeting, ROA000368-000376).
5. The ZBA further finds that the PC determined that the expansion of the number of camp/RV sites, new day use and mooring of watercraft, and new land uses and structures at the Leelanau Pines Campground, as proposed, would violate Section 8.4 of the Master Plan. (See motion attached to approved minutes from October 3, 2022 PC meeting, ROA000368-000376).
  6. The ZBA further finds that the PC determined that the expansion of the Leelanau Pines Campground, as proposed, is in direct conflict with the Vision Statement of the Master Plan. (See motion attached to approved minutes from October 3, 2022 PC meeting ROA000368-000376).
  7. And the ZBA finds that the PC determined that the expansion of the Leelanau Pines Campground, as proposed, would violate many of the Principal Strategies of the Leelanau County General Plan. (See motion attached to approved minutes from October 3, 2022 PC meeting ROA000368-000376).
  8. **At the December 7, 2022 meeting, all ZBA members agreed that the PC should be affirmed in its determination that standard #17 was not met by Leelanau Pines' SPA, for the reasons stated by the PC.**
  9. Specifically, the ZBA finds that the ZO was begot by the Master Plan. The Master Plan came into being from a questionnaire sent out to Township residents. The ZBA is tasked with serving the community, according to the principles in those planning documents. To that end, the ZBA is considering the SPA in the context of the pertinent sections and requirements of the Master Plan and ZO.
  10. The ZBA finds that the vision statement and other relevant provisions of the Master Plan are expressing concern for creeks, wetlands, and swamps in the area. The ZBA finds that the SPA, as proposed, is at a scale that is too big and could damage these fragile natural areas through wetland runoff and sediment, for example.
  11. The ZBA concurs with the PC that conditional approvals can only be given in certain circumstances that are not met by the SPA.
  12. The ZBA also finds that many of the public comments in the record – which are from local residents of this community – share concerns regarding environmental impact and irreparable harm to the Township and its welfare on the whole. These concerns are based on their “local knowledge.” The ZBA is therefore giving particular weight to public comment in considering this standard, as this standard incorporates the ideas expressed by the Master Plan for the community. The ZBA finds that it is empowered and obligated to consider public comment. (See e.g., Donald Baty written public comment on August 26, 2022, ROA000397-000408 and also in person at the September 21, 2022 PC meeting, ROA000210).